

Message Text

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PAGE 01 STATE 004328
ORIGIN ARA-10

INFO OCT-01 EB-07 L-03 ISO-00 COME-00 CIAE-00 INR-07
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DRAFTED BY:ARA:ECA:TSHUGART
APPROVED BY:ARA:ECA:RWZIMMERMANN
EB:IFD:OIA:TBRODERICK
L:ARA:FARMSTRONG

-----120720Z 014169 /16-10

R 080233Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY BUENOS AIRES

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C O R R E C T E D C C O P Y (PARA 1, LINE 13 OMITTED)

E.O. 11652: N/A

TAGS: EINV, AR

SUBJECT: INVESTMENT DISPUTE: PROARTEL

REF: B.A. 6140 (SEPTEMBER 21, 1976)

1. OUR MAJOR CONCERN IN MAKING AN APPROACH TO THE GOA ON BEHALF OF THE CBS/TIME, INC. INTEREST IN THE PROARTEL CASE IS THE COMMENT WHICH SECRETARY OF PUBLIC INFORMATION CARPINTERO MADE TO AMBASSADOR HILL ON SEPTEMBER 30, 1976, REGARDING THE ILLEGALITY OF FOREIGN EQUITY PARTICIPATION IN FIRMS LICENSED TO OPERATE TV CHANNELS. ACCORDING TO OUR UNDERSTANDING OF THE RELEVANT ARGENTINE LAW -- WHICH IS BASED ENTIRELY ON CARPINTERO'S COMMENT AND THE CONTENTS OF THE MEMORANDUM ATTACHED TO MESTRE'S AUGUST 5 LETTER TO THE AMBASSADOR -- CBS AND TIME'S HOLDING EQUITY IN

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PAGE 02 STATE 004328

PROARTEL DID NOT VIOLATE THE LAW; APPARENTLY IT EXCLUDES FOREIGNERS FROM THE BROADCASTING SECTOR, BUT NOT FROM PRODUCING PROGRAMS FOR LICENSED TV CHANNELS.

2. IF EMBASSY CAN DETERMINE THAT THE RELEVANT LAW DOES NOT PROHIBIT FOREIGN PARTICIPATION IN PRODUCTION FIRMS, EMBASSY SHOULD ASK GOAR MESTRE WHAT PROGRESS HE HAS MADE

IN HIS EFFORTS TO NEGOTIATE AN OUT OF COURT SETTLEMENT
IN THE PROARTEL CASE WITH THE COMMISSION WE UNDERSTAND
CARPINTERO APPOINTED IN OCTOBER, 1976. (IN A NOVEMBER 3
LETTER FROM MESTRE TO BARRY ZORTHIAN OF TIME, INC., WHICH
ZORTHIAN RECENTLY GAVE TO BOB ZIMMERMANN, MESTRE STATED
THAT THE COMMISSION WOULD HAVE TO REACH A DECISION WITHIN
90 DAYS.)

3. IF EMBASSY DETERMINES THAT THERE IS LITTLE LIKELIHOOD
THE CASE WILL BE RESOLVED IN THE NEAR FUTURE AS A RESULT
OF THIS OR ANY OTHER PROCEDURES WHICH MESTRE MAY HAVE
SINCE INITIATED WITH THE GOA, YOU ARE REQUESTED TO MAKE
AN INFORMAL APPROACH AT APPROPRIATE LEVEL OF GOA TO URGE
THAT EQUITABLE SETTLEMENT OF PROARTEL CLAIM BE REACHED
AS SOON AS POSSIBLE. EMBASSY SHOULD NOTE THAT OUR
APPROACH IS BASED ON THE INTERESTS WHICH TIME, INC. AND
CBS HAVE IN THE CASE, SINCE MESTRE IS NOT A U.S. NATIONAL.
EMBASSY SHOULD ALSO POINT OUT THAT WHILE CBS AND TIME, INC.
HELD NO EQUITY IN PROARTEL WHEN IT WAS SEIZED, MESTRE'S
INABILITY TO EXTINGUISH HIS SIZEABLE DEBTS TO THOSE FIRMS
IS A DIRECT RESULT OF THE GOA SEIZURE OF PROARTEL.

4. BARRY ZORTHIAN AND BILL LEONARD (OF CBS) HAVE BEEN
INFORMED OF, AND ACQUIESCE IN, THE SUBSTANCE OF THIS
MESSAGE.

KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, DISPUTE SETTLEMENT, INVESTMENT LAW, DISPUTES, TELEVISION SYSTEMS, BUSINESS FIRMS, FOREIGN INVESTMENTS, TELEVISION BROADCASTING
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Disposition History: n/a
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Disposition Remarks:
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Type: TE
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